

NOV-14-2003 FRI 02:56 PM
SEP-28-2003 MON 10:43 AM

FAX NO.
FAX NO. 16174949283

P. 09
P. 04

DOCKET NO. 1733,1004-014

TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

In re Application of: Mark A. Tracy, Howard Bernstein and M. Amin Khan

Application No.: 10/092,365

Filed: March 6, 2002

Confirmation No.: 9746

For: Controlled Release of Metal Cation-Stabilized Interferon

The owner, Alkermes Controlled Therapeutics, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,711,968, 6,165,508 and 6,379,701 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

29 Sept. 2003
Date

Claire M. Vasing
Signature

Claire M. Vasing
Typed or printed name

Alkermes Controlled Therapeutics, Inc.
Name of Corporation